

Applicant indicated in the parent application that the sequences disclosed in the parent application may also contemplate fragments of the sequences disclosed. Thus, the specific fragments described in the parent application which are now referenced as SEQ ID NOS:1, 2, 4, 5 22 of the instant application are disclosed in the parent applications as set forth in Applicant's previous Amendment and are deserving of priority as set forth previously.

Additionally, the Examiner states that it is unclear how position 1-357 of SEQ ID NO:4 and position 1-357 of SEQ ID NO:5 are different such as they are claimed twice in a single claim. To further clarify the invention, Applicant has claimed the two sequences in separate claims. Applicant reminds Examiner that Applicant's previous Amendment amended the claims so that they no longer claim SEQ ID NO:3. Thus, the claimed sequences are deserving of priority as set forth previously.

Claims 1, 3, 6, 10-11, 15, 30, 33, 38-40 and 45-49 are rejected under 35 USC 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant vigorously disagrees.

Firstly, the Examiner states that the specification does not describe or discuss "lipocalin-encoding" and has required that reference to this term be cancelled. In an effort to expedite prosecution, Applicant has cancelled all claims containing "lipocalin-encoding". New claims 50-84 do not contain this term. In view of the above remarks, Applicant respectfully submits that the new claims are in a condition for allowance and requests that this rejection be withdrawn.

Secondly, claims 1-16, 30, 33, 35, 38-42 and 45-49 are rejected under 35 USC 112, first paragraph because the Examiner states that the specification does not reasonably provide enablement for polynucleotides having varying percent identities. The Examiner state that without specific teachings with respect to the methods used to determine percent identity, a skilled artisan could not be expected to identify or make the polynucleotides of the present invention. Applicant respectfully disagrees.

The specification includes disclosure on making and using polynucleotide sequences and variants. The specification defines the term "identity" and provides methods and techniques for making and using polynucleotides of varying percent identities and for calculating percent identity. However, in an effort to clarify the nature of the polynucleotides of the instant application, Applicant has removed "identity" language from the claims. Applicant respectfully submits that the new claims are in a condition for allowance and requests that this rejection be withdrawn.

Thirdly, the Examiner states that the specification only analyzed breast cancer tissue not breast tissue disease. Applicant notes that cancer of the breast tissue is commonly considered a disease of the breast tissue. However, in an effort to expedite prosecution, in Applicant's previous amendment, the claims were amended so that they were drawn to breast cancer. Now, in an effort to further clarify, these claims have been canceled and new claims 50-84 are still drawn to breast cancer. The Examiner states that claim 49 is drawn to breast cancer disease. This claim has been canceled. Applicant respectfully submits that the new claims are in a condition for allowance and requests that this rejection be withdrawn.

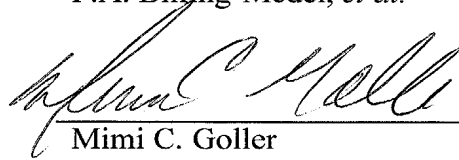
Claim 38 is rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,020,163. This rejection is respectfully traversed. This claim has been cancelled. New claim 84 is directed to an isolated DNA molecule. Applicant respectfully submits that the new claims are in a condition for allowance and requests that this rejection be withdrawn.

CONCLUSION

In view of the aforementioned amendments and remarks, Applicant respectfully submits that the above-referenced application is now in a condition for allowance and

Applicant respectfully requests that the Examiner withdraw all outstanding objections and rejections and passes the application to allowance.

Respectfully submitted,
P.A. Billing-Medel, *et al.*

A handwritten signature in cursive script, appearing to read 'Mimi C. Goller', is written over a horizontal line.

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